

Community Infrastructure Levy: Charging Schedule – Section 213 (3B) Report (October 2017)

Report under Section 213 (3B) of the Planning Act 2008 (as amended)

The Examiner's Report was published on 31 July 2017 and recommended that the Council should approve the Charging Schedule subject to a number of modifications.

In accordance with Section 213 of the Planning Act 2008 (as amended) and the Community Infrastructure Regulations 2010 (as amended), the Council's Community Infrastructure Levy (CIL) Charging Schedule was formally approved by the Council on 25 October 2017.

This report is published pursuant to Section 213 (3B) of the Planning Act 2008 (as amended). The table below sets out how the Examiner's recommended modifications to the Charging Schedule, as detailed in his 31 July report, and now incorporated into the Charging Schedule approved by Council on 25 October, has remedied any compliance issues relating to the statutory drafting requirements as defined in Section 212(4) of the Planning Act 2008 (as amended).

Modification Ref.	Non-compliance of Charging Schedule with drafting requirements	Examiner's recommended modification to non-compliance	Effect of modification
EM1	Insufficient clarity on the application of residential development charges to different forms of residential development.	Insert text to clarify that charges for residential development will apply to all liable forms of residential development within Use Class C3 which are not retirement or extra care housing.	Provides clarity on the application of the residential development charges.
EM2	Insufficient clarity on the application of charges for retirement and extra care housing development.	Insert text to clarify that charges for retirement and extra care housing will apply to relevant liable development within Use Class C3, to include definitions of retirement housing and extra care housing and to clarify that these charges do not apply to development within Use Class C2.	Provides clarity on the application of the retirement and extra care housing charges.
EM3	Insufficient clarity on the application of charges for retail development including the term "wholly or mainly".	Insert text to clarify that charges for retail development will have regard to the principal retail use – either convenience or comparison - i.e. over 50% of the liable retail floorspace.	Provides clarity on the application of the retail development charges.

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EM4	Maps as submitted do not include National Grid references and are at a very small scale making it difficult to determine zone boundaries with precision.	Replace submitted Appendix A maps with maps of a larger scale to show National Grid references.	Provides a series of maps showing the extent of the charging zones at a much larger scale, for significantly enhanced legibility, and to include National Grid references.
EM5	No reference to the Council's Instalments Policy.	Insert text to include a reference to the Council's Instalments Policy.	Provides a clear reference to the Council's Instalments Policy which was approved alongside the Charging Schedule.
EM6	No reference to the Council's intention to review the CIL Charging Schedule in the future, or the circumstances where this may be necessary.	Insert text to include a reference to the circumstances where the CIL Charging Schedule will be reviewed in the future.	Provides a clear reference to the circumstances where the Council will review the CIL Charging Schedule.

Further information relating to the Council's CIL Charging Schedule can be found on the Council's website at www.maidstone.gov.uk/cil